

EXHIBIT A

Adam J. Zapala (SBN 245748)
Elizabeth T. Castillo (SBN 280502)
James G. Dallal (SBN 277826)
Reid W. Gaa (SBN 330141)
COTCHETT, PITRE & McCARTHY, LLP.
840 Malcolm Road, Suite 200
Burlingame, CA 94010
Tel: (650) 697-6000
Fax: (650) 697-0577
Emails: azapala@cpmlegal.com
ecastillo@cpmlegal.com
jdallal@cpmlegal.com
rgaa@cpmlegal.com

Counsel for Plaintiffs Sigurd Murphy and Keith Uehara

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

OPTRONIC TECHNOLOGIES, INC.,

Plaintiff,

v.

NINGBO SUNNY ELECTRONIC CO., LTD.,
et al.,

Defendant.

Case No. 5:16-cv-06370-EJD

**ADMINISTRATIVE MOTION TO
CONSIDER WHETHER CASES
SHOULD BE RELATED**

This Document Relates To:

*Sigurd Murphy, et al., v. Celestron Acquisition
LLC, et al.*

Case No. 5:20-cv-04049-LB

TO ALL PARTIES AND THEIR COUNSEL OF RECORD:

PLEASE TAKE NOTICE that pursuant to Civil Local Rule 3-12 and Civil Local Rule 7-11, Plaintiffs Sigurd Murphy and Keith Uehara, by and through their attorneys, hereby submit this Administrative Motion to Consider Whether Cases Should be Related. Plaintiffs respectfully request that the Court relate *Sigurd Murphy et al. v. Celestron Acquisition, LLC, et al.*, Case No. 5:20-cv-04049-LB (*Murphy* Action) to this lower numbered action, *Optronic Technologies, Inc. v. Ningbo Sunny Electronic Co., Ltd., et al.*, Case No. 5:16-cv-06370-EJD (*Orion* Action) and to the following other related actions: *Daniel Hightower, et al. v. Celestron Acquisition LLC, et al.*, Case No. 5:20-cv-03639-EJD (*Hightower* Action); and *Spectrum Scientifics LLC, et al. v. Celestron Acquisition LLC, et al.*, Case No. 3:20-cv-03642-JD (*Spectrum* Action).

I. INTRODUCTION

On November 1, 2016, the *Orion* Action was filed in this Court. (Case No. 5:16-cv-06370-EJD, ECF No. 1). After the *Orion* Action was tried to verdict, on June 1, 2020, the same counsel for Plaintiff in the *Orion* Action filed two related class actions concerning the same anticompetitive acts and conduct at issue in the *Orion* Action: a case on behalf of a proposed class of indirect purchaser plaintiffs, *Daniel Hightower, et al. v. Celestron Acquisition LLC, et al.*, Case No. 5:20-cv-03639-EJD and a case on behalf of a proposed class of direct purchaser plaintiffs, *Spectrum Scientifics LLC, et al. v. Celestron Acquisition LLC, et al.*, Case No. 3:20-cv-03642-JD. The *Hightower* Action was assigned to District Judge Edward J. Davila, and the *Spectrum* Action was assigned to District Judge James Donato. On June 18, 2020, Plaintiffs in the *Spectrum* Action incorrectly filed a Notice of Pendency of Related Action pursuant to Civil Local Rule 3-13 noting that the *Orion* Action and *Hightower* Action have already been assigned to Judge Davila and seeking to have the *Spectrum* Action assigned to Judge Davila as well.

On June 17, 2020, the *Murphy* Action was filed in this District, alleging claims substantially similar to those in the *Hightower* Action and the *Spectrum* Action and seeking to represent a class of indirect purchaser plaintiffs. (Case No. 5:20-cv-04049-LB, ECF No. 1). The

1 *Murphy* Action has been assigned to Magistrate Judge Laurel Beeler. (Case No. 4:20-cv-02024-
2 YGR, ECF No. 4).

3 The *Murphy* Action, like the *Hightower* and *Spectrum* actions, concerns the same, or
4 substantially similar, allegations to those in the underlying *Orion* Action. Given that the
5 requirements of Civil Local Rules 3-12 and 7-11 have been met, Plaintiffs Sigurd Murphy and
6 Keith Uehara now respectfully request this Court issue the proposed order formally relating the
7 this action, along with the *Hightower* and *Spectrum* actions, to the *Orion* Action, Case No. 5:16-
8 cv-06370-EJD.

9 II. RELATIONSHIP OF THE ACTIONS

10 As set forth in Local Rule 3-12(a)(1), the *Orion*, *Hightower*, *Spectrum*, and *Murphy*
11 Actions involve substantially the same parties, property, transaction or event, as each concern
12 the same alleged antitrust violations, similar defendants and co-conspirators, witnesses, and
13 evidence. The *Murphy* Action asserts claims for violations of Sections 1 and 2 of the Sherman
14 Act; Section 7 of the Clayton Act; violations of the state antitrust laws of Arizona, California,
15 Connecticut, the District of Columbia, Illinois, Iowa, Kansas, Maine, Michigan, Minnesota,
16 Mississippi, Nebraska, Nevada, New Hampshire, New Mexico, New York, North Carolina,
17 North Dakota, Oregon, South Dakota, Tennessee, Utah, Vermont, West Virginia, Wisconsin;
18 violations of the state consumer protection laws of Arkansas, California, the District of
19 Columbia, Florida, Hawaii, Massachusetts, Missouri, Montana, New Mexico, New York, North
20 Carolina, Rhode Island, South Carolina, Vermont; and an additional claim for the disgorgement
21 of the profits through which the Defendants were unjustly enriched. The *Hightower* Action and
22 the *Spectrum* Action similarly assert claims for violations of Sections 1 and 2 of the Sherman
23 Act as well as the state antitrust and consumer protection laws of California.

24 As set forth in Local Rule 3-12(a)(2), it appears likely that there will be an unduly
25 burdensome duplication of labor and expenses or the possibility of conflicting results if the cases
26 are conducted before different judges. Therefore, it will be more efficient for all cases to proceed
27 before the same judge so that these analyses and determinations are made by one Court.
28

1 **III. CONCLUSION**

2 This action satisfies the criteria of Local Rule 3-12(b). Plaintiffs Sigurd Murphy and
3 Keith Uehara therefore respectfully request the *Murphy* Action be deemed related to *Optronics*
4 *Technologies, Inc. v. Ningbo Sunny Electronic Co., Ltd., et al.*, Case No. 5:16-cv-06370-EJD and
5 the *Hightower* and *Spectrum* actions and that it be assigned to the Honorable Edward J. Davila.

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7 Dated: June 23, 2020

8 By: /s/ Adam J. Zapala
9 Adam J. Zapala (SBN 245748)
Elizabeth T. Castillo (SBN 280502)
James G. Dallal (SBN 277826)
10 Reid Gaa (SBN 330141)
COTCHETT, PITRE & McCARTHY, LLP.
11 840 Malcolm Road, Suite 200
Burlingame, CA 94010
12 Tel: (650) 697-6000
Fax: (650) 697-0577
13 azapala@cpmlegal.com
ecastillo@cpmlegal.com
14 jdallal@cpmlegal.com
rgaa@cpmlegal.com

15
16 *Counsel for Plaintiffs Sigurd Murphy and Keith*
Uehara